

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)Applicant(s): **Anne-Marie Bonnot et al.**

Docket No.

Beaumont-26

Application No.

10/552,546

Filing Date

14 April 2004

Examiner

Not yet assigned

Group Art Unit

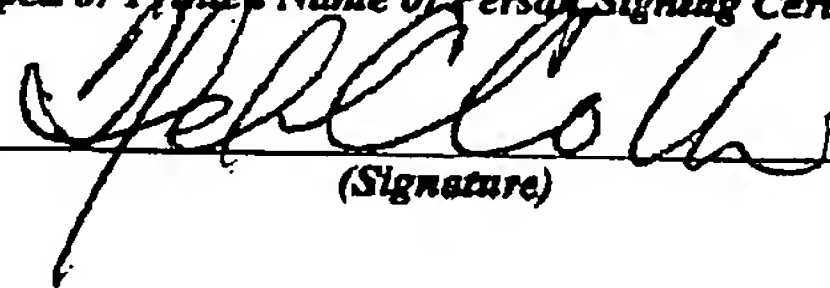
Not yet assigned

Invention: **CARBON NANOTUBE GROWTH METHOD**

I hereby certify that this

Petition Under 37 CFR 1.182*(Identify type of correspondence)*is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. **(571) 273-0459**)

on

28 November 2007*(Date)***Helen C. Collins***(Typed or Printed Name of Person Signing Certificate)**(Signature)***Note: Each paper must have its own certificate of mailing.**

Beaumont-26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anne-Marie Bonnot et al.

USSN No. 10/552,546

Int'l. Appln. No.: PCT/FR2004/050160

Int'l. Filing Date: 14 April 2004

For: CARBON NANOTUBE GROWTH METHOD

Atty. Dkt: Beaumont-26

Attn: PCT Legal Department
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.182

PETITION TO THE DIRECTOR

Dear Sir:

Applicant received a Response to a Petition under 37 CFR 1.181 Petition to the Director filed by the Applicant via facsimile on August 13, 2007, to reinstate the above referenced patent application. A copy of the Response dated 28 September 2007 is attached. The Response requests that Applicant submit a Petition under 37 CFR 1.182 rather than 37 CFR 1.181 as originally filed. In particular, the Response states:

Petitioner requests withdrawal of the holding of abandonment because a suitable response allegedly was filed on 24 August 2006. Review of the electronic application file reveals that a declaration which complies with 37 CFR 1.497(a) and (b) and which was filed on 24 August 2006 is present in the file. Further review of Office records (including the copy of the response accompanying the petition) shows that the response in question was directed to application no. 10/552,545 instead of the instant application number. Consequently, counsel's check was applied to application no. 10/552,545 rather than the instant case. To correct this defect, a petition (and fee) under 37 CFR 1.182 is required.

Accordingly, Applicant submits herewith the present petition (and fee) under 37 CFR 1.182 and considers this response as timely filed. Applicant respectfully requests that the Notification of Abandonment be vacated.

DISCUSSION

Applicant received a Notification of Abandonment for the above reference patent application. The Notification states the application lapsed due to failure to respond to the notification of Missing Requirements.

Applicant timely filed a response to the Missing Requirements on August 22, 2006 as evidenced by the Certificate of Mailing as evidenced by the documentation previously submitted with the Petition under CFR 1.181. Such documentation is again submitted for convenience of the Office.

Applicant respectfully submits the instant Petition under CFR 1.182 and payment of fees due as requested in the Response dated 28 September 2007 to correct this defect. It is noted that the Declaration filed with the Missing Requirements has been correctly submitted in file wrapper USSN 10/552,546 and that all outstanding filing requirements have been met.

It is respectfully requested that the Notification of Abandonment be vacated.

The Director is hereby authorized to charge Deposit Account No. 50-3208 for \$400.00 for the fees due under 37 CFR 1.17(f) for submitting this petition and any other fees due.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



Edward J. Howard
Registration No. 42,670

Post Office Box 226
Fort Washington, PA 19034
Tel: (215) 542-5824
Fax: (215) 542-5825



United States Patent and Trademark Office

PLEVY, HOWARD & DARCY, P.C.
P.O. BOX 226
Fort Washington PA 19034

28 SEP 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOCKETED
DUE DATE: 11/28/07

In re Application of
Bonnot et al.
Application No.: 10/552,546
PCT No.: PCT/FR04/50160
Int. Filing Date: 14 April 2004
Priority Date: 17 April 2003
Attorney Docket No.: BEAUMONT-26
For: Carbon-Nanotube Growth Method

DECISION

This is in response to the petition under 37 CFR 1.181 filed on 13 August 2007.

BACKGROUND

This international application was filed on 14 April 2004, claimed an earliest priority date of 17 April 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 04 November 2004. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 17 October 2005. On 12 October 2005, applicants filed *inter alia* the basic national fee.

On 11 August 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

On 03 August 2007, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Notification of Missing Requirements mailed on 11 August 2006.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment because a suitable response allegedly was filed on 24 August 2006. Review of the electronic application file reveals that a declaration which complies with 37 CFR 1.497(a) and (b) and which was filed on 24 August 2006 is present in the file. Further review of Office records (including the copy of the response accompanying the petition) shows that the response in question was directed to application no. 10/552,545 instead of the instant application number. Consequently, counsel's check was applied to application no. 10/552,545 rather than the instant case. To correct this defect, a petition (and fee) under 37 CFR 1.182 is required.

CONCLUSION

The petition is DISMISSED, without prejudice.

Application No.: 10/552,546

-2-

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



George Dombroske

PCT Legal Examiner

Office of PCT Legal Administration

Tel: (571) 272-3283

Fax: (571) 273-0459

Beaumont-26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anne-Marie Bonnot
USSN No. 10/552,546
Int'l. Appln. No.: PCT/FR2004/050160
Int'l. Filing Date: 14 April 2004
For: CARBON NANOTUBE GROWTH METHOD
Atty. Dkt: Beaumont-26

Attn: PCT Legal Department
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO THE DIRECTOR

Dear Sir:

Applicant received a Notification of Abandonment for the above reference patent application. The Notification states the application lapsed due to failure to respond to the notification of Missing Requirements.

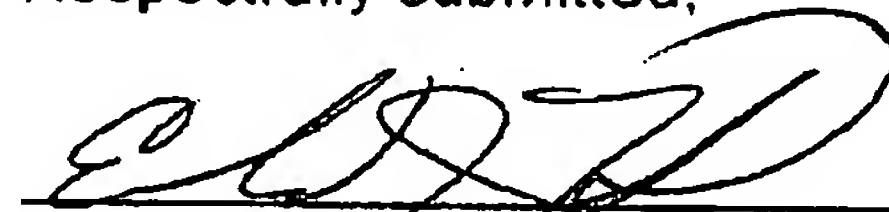
Applicant is respectfully requesting that the Notification of Abandonment be vacated for the following reasons. Applicant timely filed a response to the Missing Requirement on August 22, 2006 as evidenced by the Certificate of Mailing on the response. The response filed included the \$130.00 fee due (via check) payable to the USPTO. To substantiate, Applicant is providing the following:

1. A copy of the response as filed on August 22, 2006, including a copy of the return receipt postcard indicated the mailing of the response, the signed declaration and a check in the amount of \$130;
2. A copy of the return receipt postcard as stamped from the USPTO indicating receipt of papers mailed, including the \$130 check; and
3. A copy of the check as endorsed by the USPTO.

It is respectfully requested that the Notification of Abandonment be vacated.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



Edward J. Howard
Registration No. 42,670

Plevy, Howard & Darcy, PC
Post Office Box 226
Fort Washington, PA 19034
Tel: (215) 542-5824
Fax: (215) 542-5825